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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,487	02/17/2004	Kevin G. Kolpasky	GP-303547	1550

7590 06/14/2005

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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,487

Applicant(s)

KOLPASKY ET AL.

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertzell"357 (US Patent No 3,718,357).

Hertzell teaches a step assembly for a vehicle comprising of a base member mountable with respect to the vehicle and having a base member stepping surface (see figure 1, element 60), one movable member being selectively repositionable with respect to the base member such that the length of the step assembly is selectively variable with at least one movable member having a movable member stepping surface (see figure 3, elements 64 and 65).

Referring to claim 2 Hertzell teaches a movable member is translatable with respect to the base member (see figure 3, elements 65).

Referring to claim 3 and 4, Hertzell teaches a track with one movable member is operatively engaged such that the track guides one movable member during translation, teaches a track on the base member (see figure 2, element 62 and 62b).

Referring to claim 5, Hertzell teaches one movable member is pivotable with respect to the base member (see figure 3, element 65).

Referring to claim 6, Farkash'045 (US Pat No 6,406,045) teaches a vehicle body (see figure 1, element 10), a step assembly operatively connected to the vehicle body and including a base member defining a base member stepping surface (see figure 5, element 26) with one movable defining a movable member stepping surface (see figure 6, element 52) and being selectively repositionable with respect to the vehicle body such that the length of the step assembly is selectively variable (see figure 6).

Referring to claim 7, Farkash teaches one movable member is translatable with respect to the base (see figure 2, element 54).

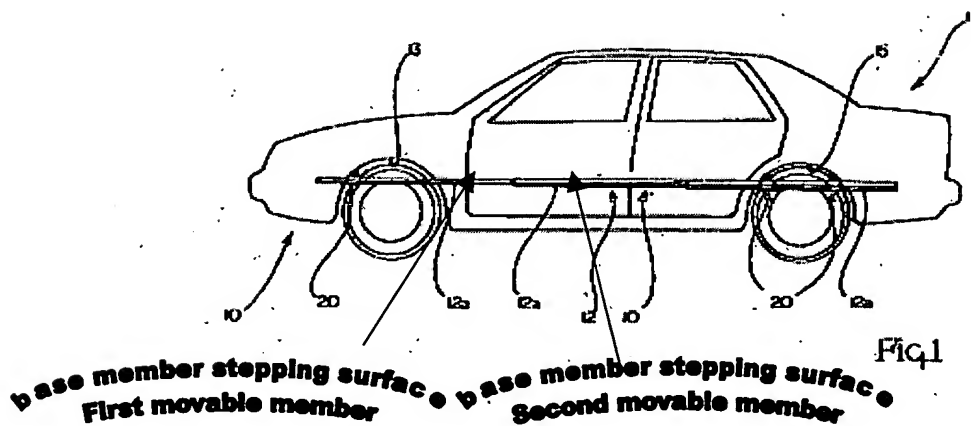
Referring to claims 8, 9 and 10, Farkash teaches a track with one movable member is operatively engaged such that the track guides one movable member during translation, track is on the base (see figure 6, element 48).

Referring to claim 10, Hertzell teaches one movable member is pivotable with respect to the base member (see figure 3, element 65).

Referring to claims 11 and 12, Whitfield'923 (US Patent No 5,333,923) discloses a vehicle comprising of a front wheel with one movable member between a stowed position in which one movable member does not extend rearward of any portion of the rear wheel, and extend position in which one movable member extends rearward of at least a portion of the rear wheel, (see figure 1A), Whitfield discloses a at least one movable member is movable between a stowed position in which said at least one movable member does not extend forward of any portion of the front wheel, and an extended position in which said at least one movable member extends forward of at least a portion of the front wheel (see figure 1), where he teaches a movable

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telescoping member can be moved to a retracted position adjacent one wheel well of the vehicle.



Referring to claim 13, Whitfield teaches a step assembly including a base member having a base member stepping surface (see figure 1), a track (see figure 3, element 20), a first movable member, and a second movable member (see figure 1, for first and second movable members), the first and second movable members each having a movable member stepping surface and being operatively engaged with the track for translation with respect to the vehicle body along the track. The first movable member is translatable between a stowed position in which the first movable member does not extend rearward of any portion of the rear wheel, and an extend position in

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which the first movable member extends rearward of at least a portion of the rear wheel (see figure 1A).

### ***Conclusion***

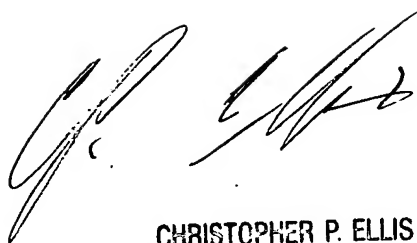
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 5,333,923, U.S. Pat. No. 3,718,357, U.S. Pat. No. 6,406,045

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CFC

A handwritten signature in black ink, appearing to read 'C.P. Ellis', is positioned above the printed name.

CHRISTOPHER P. ELLIS  
SUPERSECON PATENT EXAMINER  
TECHNOLOGY CENTER 3000